

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOHNNY CURTIS PALMER,

Plaintiff,

v.

M. MELENDREZ,

Defendant.

Case No.: 1:22-cv-00800-KES-CDB

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
CERTAIN CLAIMS IN THE FIRST  
AMENDED COMPLAINT

(Doc. 15)

Plaintiff Johnny Curtis Palmer is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 16, 2024, the Magistrate Judge issued findings and recommendations, recommending this action proceed only on the First Amendment claim concerning the right to send and receive mail, with any remaining claims in Plaintiff's first amended complaint to be dismissed. Doc. 15. The findings and recommendations were served on Plaintiff and contained notice that any objections were to be filed within fourteen (14) days of service. The Magistrate Judge advised Plaintiff that the "[f]ailure to file objections within the specified time may result in waiver rights on appeal." (*Id.* at 2, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991). No objections have been filed, and the deadline to do so has expired.

1 In accordance with 28 U.S.C. § 636(b)(1), this Court conducted a de novo review of this  
2 case. Having reviewed the file, the Court finds the findings and recommendations to be  
3 supported by the record and proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations issued February 16, 2024, Doc. 15, are ADOPTED  
6 in full;
- 7 2. This action PROCEED solely on Plaintiff's First Amendment claim concerning the  
8 right to send and receive mail (Claim Two) against Defendant Melendrez;
- 9 3. The remaining claims in Plaintiff's first amended complaint are DISMISSED; and
- 10 4. This matter is referred back to the assigned Magistrate Judge for further proceedings.

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13 IT IS SO ORDERED.

14 Dated: April 1, 2024

  
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UNITED STATES DISTRICT JUDGE